

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

| | | |
|--------------------------|---|------------------------|
| UNITED STATES OF AMERICA |) | Case No. 1:24-cr-40 |
| |) | |
| v. |) | District Judge Atchley |
| |) | |
| BRANDON EBERHARDT |) | Judge Steger |

ORDER

U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation [Doc. 119] recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea to a lesser-included offense of Count One of the five-count Indictment; (2) accept Defendant's guilty plea to a lesser-included offense of Count One of the five-count Indictment; (3) adjudicate Defendant guilty of conspiracy to distribute a mixture and substance containing a detectable amount of fentanyl in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846; and (4) order that Defendant remain in custody pending sentencing or further order of the Court.

After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 119] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to a lesser-included offense of Count One of the five-count Indictment is **GRANTED**;
2. Defendant's plea of guilty to a lesser-included offense of Count One of the five-count Indictment is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of conspiracy to distribute a mixture and substance containing a detectable amount of fentanyl in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846; and

4. Defendant **SHALL REMAIN** in custody until further order of this Court or sentencing in this matter which is scheduled to take place on **August 21, 2025, at 10:00 a.m.**

SO ORDERED.

/s/Charles E. Atchley, Jr.

CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE